

STATE OF MICHIGAN
COURT OF APPEALS

JOHN WILLIAM PIETRZYK,

Plaintiff-Appellant,

v

MORTON HOUSE APARTMENTS,

Defendant-Appellee.

UNPUBLISHED

May 15, 2014

No. 312627

Kent Circuit Court

LC No. 12-001327-CZ

Before: MURPHY, C.J., and O'CONNELL and K. F. KELLY, JJ.

PER CURIAM.

Plaintiff appeals by right the summary disposition granted in favor of defendant. We affirm.

Plaintiff filed a pro se complaint alleging that he was “attacked” in his home at Morton House Apartments and that he was taken to the hospital. Plaintiff further alleged that “management” neglected to have “the proper treatment” done in time, resulting in an “epidemic” of bed bugs. Plaintiff sought damages for alleged emotional and physical injuries and for “anguish.” Defendant moved for summary disposition on the ground that plaintiff had failed to state a claim on which relief could be granted, pursuant to MCR 2.116(C)(8). Plaintiff then filed an amended complaint, after which defendant again moved for summary disposition. At the hearing on the second summary disposition motion, the circuit court concluded that plaintiff’s complaint failed to state a claim. The court granted defendant’s motion for summary disposition.

A motion for summary disposition under MCR 2.116(C)(8) tests the legal sufficiency of the complaint. *Maiden v Rozwood*, 461 Mich 109, 119; 597 NW2d 817 (1999). The circuit court may consider only the pleadings in ruling on the motion. *Id.* at 119-120. We review de novo the circuit court’s ruling on the summary disposition motion. *Spiek v Michigan Dep’t of Transp.*, 456 Mich 331, 337; 572 NW2d 201 (1998).¹

¹ We also note that plaintiff submitted with his brief on appeal a packet of documents and a CD as additional evidence to support his claim. This evidence was not part of the lower court record, and we cannot consider it. MCR 7.210(A)(1).

A complaint must contain “[a] statement of the facts, without repetition, on which the pleader relies in stating the cause of action, *with the specific allegations necessary reasonably to inform the adverse party of the nature of the claims* the adverse party is called on to defend.” MCR 2.111(B)(1) (emphasis added). In this case, plaintiff’s complaints did not present specific allegations that were sufficient to determine the nature of his claim. To the extent that plaintiff was attempting to allege a negligence claim, plaintiff was required to identify a specific duty owed to him by defendant, as well as to identify how defendant breached the duty and how the alleged breach caused plaintiff’s alleged injuries. *Brown v Brown*, 478 Mich 545, 552-553; 739 NW2d 313 (2007). Plaintiff did not allege these elements. Under the circumstances, the circuit court correctly determined that plaintiff had failed to state a claim on which relief could be granted and properly granted summary disposition in favor of defendant.

Affirmed.

/s/ William B. Murphy
/s/ Peter D. O’Connell
/s/ Kirsten Frank Kelly